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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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10 ROCIO ADAME ARAUJO
11 DE AGUILAR, et al.

12 Plaintiffs

13 vs.

14 NATIONAL RAILROAD
15 PASSENGER CORPORATION, et al.,

16 Defendants.
17 _____/

CASE NO. CV-F-02-6527 REC LJO

(Consolidated cases)

**ORDER CONTINUING APPLICATION
FOR AN ORDER SHOW CAUSE (Doc 105)**

18 ROCIO ADAME ALFARO, et al.,

19 Plaintiffs,
20 _____

21 vs.

22 NATIONAL RAILROAD
23 PASSENGER CORPORATION, et al.,

24 Defendants.
25 _____/

CASE NO. CV F 03-5632 REC LJO
26 _____

27 ESTER AGUILAR, et al.,

28 Plaintiffs,

vs.

NATIONAL RAILROAD
PASSENGER CORPORATION, et al.,

Defendants.

CASE NO. CV F 03-5633 REC LJO

1 CLAUDIA MUNOZ, et al,

CASE NO. CV-F 02-6559 REC LJO

2 Plaintiffs,

3 vs.

4 NATIONAL RAILROAD
PASSENGER CORPORATION, et al.,

5 Defendants.
6 _____/

7 ROSA ROMERO, et al.,

CASE NO. CV-F- 03-5271 REC LJO

8 Plaintiffs,

9 vs.

10 NATIONAL RAILROAD
PASSENGER CORPORATION, et al.,

11 Defendants.
12 _____/

13 In this railroad crossing collision action, several plaintiffs seek an order to show cause re
14 contempt for failure of attorney Richard Fine ("Mr. Fine") to comply with this Court's June 1, 2005
15 order. This Court issued an order on June 1, 2005 granting a motion to compel attorney David Lynn's
16 substitution in place of Mr. Fine as counsel for plaintiffs Valdivia, Ramirez, Alacorn, Torres and their
17 respective minor children; and ordered Mr. Fine, no later than June 2, 2005, to provide to Mr. Lynn or
18 Mr. Lynn's designee all original documents regarding this consolidated action. By notice on June 13,
19 2005, Mr. Lynn filed an application indicating that Mr. Fine has failed to comply with this Court's order
20 directing him to turn over all original documents in this consolidated case.

21 On June 16, 2005, this Court received a letter "receipt" from Mr. Fine indicating that he turned
22 over documents. The receipt also indicates that other persons have the documents. Based upon this
23 representation, the Court will not consider the ex parte application for twenty (20) days, during which
24 time Mr. Lynn should confirm whether he has received all of the portions of the file he believes he is

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1 entitled to receive from Mr. Fine. If Mr. Lynn then desires to proceed with his application against Mr.
2 Fine, Mr. Lynn should file a list indicating the matters in the file he believes he has not received, and
3 to which he would be entitled, from Mr. Fine.

4 The clerk of the Court is directed to serve a copy of this Order on attorney Richard Fine.

5 IT IS SO ORDERED.

6 **Dated: June 17, 2005**
b9ed48

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE